

II. REMARKS

Claims 16, 32, 37 and 55 have been withdrawn for pertaining to a non-elected invention. With respect to claims 37 and 55, which respectively depend upon independent claims 33 and 51, Applicants contend that when independent claims 33 and 51 are allowed then dependent claims 37 and 55 must be rejoined with the allowed claims in accordance with MPEP § 821.04. Claims 1-15, 17-31, 33-36, 38-49, 51-54 and 56-77 have been examined on the merits.

Claims 1-8, 11, 14, 15, 17-24, 27, 30, 31, 33, 38-43, 47, 51, 56-61, 64 and 67-77 have been amended. Specifically, independent claims 1, 15, 17, 31, 33, 51, 67-77 have been amended to improve grammar and clarity, which has no further limiting effect on the scope of these claims. Furthermore, claims 1, 15, 17, 31, 33, 51, 67-77 have been amended to specify that the “link” is a “hyperlink” as supported on page 16, line 4, to page 17, line 4, and Figure 7, of Applicants’ disclosure as originally filed. Claims 1, 15, 17, 31, 33, 51, 67-77 have also been amended to specify that a “first request” is generated by the “at least one client workstation” and that a “second request” is also generated by the “at least one client workstation” as supported by Figure 7, and on page 46, line 5, to page 47, line 23, of Applicants’ specification as originally filed.

Independent claims 1, 15, 33 have been amended to recite

“each link encoded web page includes one or more encoded hyperlinks comprising first reference information and each link encoded electronic mail message includes one or more encoded hyperlinks comprising first reference information, wherein first reference information comprises information specifying the multi-media content and format associated therewith,”

as supported by previous claim 1, and as supported by Figures 6 and 7, and on page 16, line 15, to page 17, line 15, and on page 38, line 14, to page 42, line 2, of Applicants' disclosure as originally filed. Independent claims 17, 31, 51, 67-77 have been likewise amended to particularly point out and distinctly claim the feature of the present invention wherein a hyperlink is provided that includes first reference information that comprises information specifying the content to be streamed and its associated format.

Independent claim 1 has also been amended to recite a

~~"link processing server[that] translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored..."~~

as supported on page 13, line 11, to page 17, line 15, and page 57, lines 7-21, and Figure 6 of Applicants' disclosure as originally filed. Independent claims 15, 17, 31, 33, 51, 67-77 have been likewise amended to recite "link processing server" that translates first reference information to second reference information so that one or more formats may stream without having to deploy from a web server one or more reference files that contain the second reference information. As evident from the amended claims, second reference information includes the first reference information and a location where the content to stream is stored. By the present amendment, Applicants have replaced the term "linking server" in the claims with --link processing server-- as supported on page 16, lines 19-24, and on page 17, lines 16-29, of Applicants' original specification because the "link server," as described in Applicants' original specification, serves to process the links by converting or translating them into reference file

information and then sends the translated instruction to the appropriate streaming server. Thus, the present amendment makes it clear that this server “processes” the information contained in the hyperlinks by translating it from “first information” to “second information.”

Independent claim 1 has been further amended to recite

“said at least one link processing server transmits second reference information to the client workstation, thereby generating a second request to stream the multi-media content to said at least one client workstation, wherein said second request is automatically formatted or preformatted to be in conformity at least with the format of the multi-media content via said at least one link conversion process, and wherein said at least one link conversion process does not create any reference files for storage on a web server”

as supported by previous claim 1, and on page 37, lines 8-18, and page 42, lines 3-14, and page 53, lines 3-24, and Figure 17 of Applicants’ disclosure. Independent claims 15, 17, 31, 33, 51, 67-77 have been likewise amended to recite the feature of the present invention wherein the link processing server transmits second reference information to the client workstation so that the client workstation can generate a second request to stream content. Furthermore, the claims have been amended to particularly point out and distinctly claim the feature of the invention wherein the generation of the requests to stream content occurs without the creation of any reference files that must be maintained, and therefore stored, on a web server.

Independent claims 72, 74 and 76 have also been amended to recite a “computer program code stored on a computer is transmitted as a computer data signal embodied in a carrier wave in the system” as supported on page 36, lines 18-21, and on page 67, lines 8, to page 68, line 2, of Applicants’ specification as originally filed. On page 36, line 21, of Applicants’ specification as originally filed, there is described an embodiment of the invention

that is “a computer program stored on a computer.” The phrase “in the system” has been added to the preamble in order to improve clarity with respect to the fact that the carrier wave is transmitted within the system as supported by the preamble of these claims 72, 74 and 76.

Claims 2-8, 11, 14, 18-24, 27, 30, 38-43, 47, 56-61 and 64 are dependent claims and have been amended in accordance with the amendments made to the independent claims.

No new matter has been added to the above-captioned application by the present amendment.

A. The Invention

The present invention pertains broadly to a method and system for delivering and streaming multi-media content over the Internet or other computer network. In particular, in accordance with an apparatus embodiment of the present invention, a system for delivering streaming multi-media content is provided that includes the features recited in independent claim 1. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 15. In accordance with yet another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 33. In accordance with still another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 67. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 69. In accordance with still another apparatus embodiment of the present invention, a system is

provided that includes the features recited in independent claim 72. In accordance with yet another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 74. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 76. In accordance with another apparatus embodiment of the present invention, a system is provided that includes the features recited in independent claim 77.

In accordance with a method embodiment of the present invention, a method of processing requests for multi-media content is provided that includes the steps recited by independent claim 17. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 31. In accordance with still another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 51. In accordance with yet another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 68. In accordance with still another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 70. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 71. In accordance with yet another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 73. In accordance with another method embodiment of the present invention, a method is provided that includes the steps recited by independent claim 75.

Various other method and apparatus embodiments, in accordance with the present invention, are recited by the dependent claims.

An advantage of the methods and apparatuses of the present invention over prior art methods and apparatuses is that the methods and apparatuses of the present invention have the feature that they employ a “link processing server” that enables “a plurality of formats to stream using one or more encoded hyperlinks comprising reference information without having to deploy one or more reference files containing an address to...content.” Thus, the present invention utilizes a link processing server to facilitate the streaming of media-content, multi-media content and non-media content in a plurality of formats and does not have to rely upon the application of reference files containing content addresses in order to achieve streaming of digital content in a plurality of formats.

B. The Rejections

Claims 72, 74 and 76 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 2, 4-15, 33-36, 38, 40-50, 67, 68 and 71-77 stand rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative under 35 U.S.C. § 103(a) as unpatentable in view of, Hans (U.S. Patent Application Publication 2002/0120577 A1, hereafter the “Hans Publication”).

Claims 17, 18, 20-31, 51-54 and 57-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of RFC 959 (File Transfer Protocol, Postel et

al., October 1985, hereafter, “RFC 959 Document”). Claim 69 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of Kenner (U.S. Patent 6,421,726 B1, hereafter, the “Kenner Patent”). Claim 70 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of the RFC 959 Document and the Kenner Patent. Claims 3 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of Stewart (U.S. Patent Application Publication 2002/087707, hereafter the “Stewart Publication”). Claims 19 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hans Publication in view of the RFC 959 Document, and further in view of the Stewart Publication.

Applicants respectfully traverse the Examiner’s rejections and request reconsideration of the above-captioned application for the following reasons.

C. Applicants’ Arguments

i. The Lack of Written Description Rejection

Claims 72, 74 and 76 have been amended to recite a “computer program code stored on a computer.” Applicants’ disclosure, at 36, lines 18-21, describes an embodiment, in accordance with the present invention, that includes “a computer program stored on a computer.”

The Federal Circuit has ruled that to satisfy the written description requirement of 35 U.S.C. § 112, first paragraph, Applicants must show they were in “possession” of the claimed invention by words, structures, figures, diagrams and/or formulas that fully set forth the claimed

invention although the exact terms need not be used *in haec verba*. Lockwood v. American Airlines Inc., 41 U.S.P.Q.2d 1966, 1961 (Fed. Cir. 1997). Whether a disclosure satisfies the written description requirement is a question of fact, and the Examiner has the burden of establishing, by evidence, or reasons, why a person of ordinary skill in the art would not have recognized in the applicant's disclosure a description of the invention defined by the claims. In re Wertheim, 191 U.S.P.Q. 90, 97 (C.C.P.A. 1976).

On its face, an embodiment comprising “computer program code stored on a computer,” as recited by independent claims 72, 74 and 76 is fully supported by Applicants’ specification, at 36, lines 18-21, which explicitly describes an embodiment of the invention including “a computer program stored on a computer.” The burden rests on the Examiner to establish why a person of ordinary skill in the art would not have recognized in Applicants’ disclosure a description of the invention defined by the claims. Because the Examiner has failed to meet this burden, the Examiner must withdraw the rejection under 35 U.S.C. § 112, first paragraph.

In view of the present amendment, Claims 1-15, 17-31, 33-49 and 51-77 are now in compliance with 35 U.S.C. § 112.

ii. The Section 102(e) Rejection

Anticipation under 35 U.S.C. § 102 requires showing the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). What subject matter a reference discloses is a matter of fact, In re Napier,

34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995), and the Examiner is obligated to give a fair reading to what a reference teaches as a whole. In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). Furthermore, when the Examiner asserts that there is an explicit or implicit teaching in a reference, the Examiner must indicate where such a teaching appears in the reference. In re Rijckaert, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993).

In the present case, the Examiner has failed to establish a prima facie case of anticipation against the instant claims because the Hans publication does not teach, or suggest, a “link processing server” that

“translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored...”

as recited by Applicants’ independent claim 1. By asserting that the “contents manager” (11) of the Hans Publication is a “link processing server” the Examiner has not given a fair reading to what the Hans Publication discloses as a whole. Furthermore, the Hans Publication does not teach, or suggest, streaming using a “hyperlink” wherein the hyperlink includes “first reference information [that] comprises information specifying the multi-media content and format associated therewith” as recited by Applicants’ claim 1. The Hans Publication also does not teach, or suggest, that the “link processing server”

“transmits second reference information to the client workstation, thereby generating a second request to stream the multi-media content to said at least one client workstation, wherein said second request is automatically formatted or preformatted to be in conformity at least with the format of the multi-media content via said at least one link conversion process, and wherein said at least one link conversion process

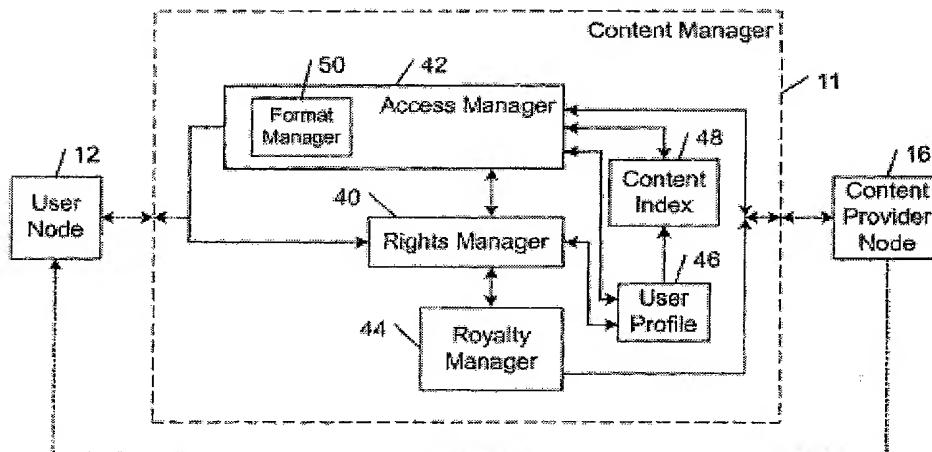
does not create any reference files for storage on a web server”

as recited by independent claim 1. Similar arguments pertain to the rest of Applicants' independent claims.

iii. The Hans Publication

The Hans Publication discloses “managing access to digital content” such as may be used to license digital content (See Abstract of the Hans Publication). More specifically, the Hans Publication discloses a digital content access management system that enables users to register previously owned digital content and, subsequently, allows users to access the registered content using any electronic device that is connected to the system (See Abstract). The Hans Publication further discloses that digital content may be pushed or pulled from any electronic system that is connected to a network--no matter where it is located--to any other electronic system that is connected to a network (See Abstract). The Hans Publication also discloses a business model, as well as a system and a method for implementing this business model, wherein payments are made to content providers upon registration of previously owned digital content (See Abstract).

In particular, the Hans Publication discloses a “content manager” (11) as shown in Figure 3 (reproduced below) that determines if a user (12) requesting access to digital content has a current license to access the requested content (See ¶ [0022]). If so, the content manager (11) enables the user to access the requested digital content, and if not, the content manager (11) may allow the user to purchase a license (See ¶ [0029]).



However, the Hans Publication does not teach, or even suggest, using (i) a “hyperlink” that comprises “first reference information [that] comprises information specifying the multi-media content and format associated therewith” as recited by independent claims 1, 15, 17, 31, 33, 51, 67-77. The Hans Publication also does not teach, or suggest, (ii) a “link processing server” that

“translates first reference information... to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where... content is stored”

as recited by Applicants’ independent claims 1, 15, 17, 31, 33, 51, 67-77. The Hans Publication also does not teach, or suggest, (iii) that the “link processing server”

“transmits second reference information to the client workstation, thereby generating a second request to stream the multi-media content to said at least one client workstation... wherein said at least one link conversion process does not create any reference files for storage on a web server”

as recited by independent claim 1 as well as to similar limitations recited by the other independent claims.

On the contrary, the Hans Publication discloses only conventional content servers, such as content management server (26), (See ¶ [0025]), and the “provider content server” shown in Figure 2. A person of ordinary skill in the art would immediately realize that a conventional content server must deploy one or more reference files containing an address of content in order to enable streaming of digital content for a plurality of formats.

a. Hans does not disclose a “link processing server”

As explained at 37, lines 8-18, of Applicants’ specification as originally filed, it was conventionally known that three files had to be managed in order to stream content, namely, (1) the Web page from which a content file is to stream to another Web page, (2) a “reference file” that contains the Internet address of the content file to be streamed, and (3) the content file. Therefore, a person of ordinary skill in the art would necessarily conclude that the content servers disclosed by Hans operate in the same fashion as a conventional content server (Declaration under Rule 132 by Herve Carruzzo, filed herewith, hereafter the “Carruzzo Declaration,” ¶¶ 10 and 11). Therefore, assuming, *arguendo*, that the Hans Publication discloses streaming of media or multi-media content (a fact that Applicants do not concede), the streaming protocol employed by the Hans Publication must necessarily include transmission of “one or more reference files” that contain the “address” corresponding to the streamed content files (Carruzzo Declaration, ¶¶ 11 and 12). In other words, it is a fact that the system disclosed by the Hans Publication would have inherently employed the transmission of “one or more reference files” to stream content (assuming, of course that the Hans Publication even discloses

streaming content, which is an invalid assumption), and did not employ encoded hyperlinks in which reference information is embedded to stream content, because persons of ordinary skill in the art were only employing the transmission of reference files, and not encoded hyperlinks, to stream content at the time the Hans Publication was published. See, e.g., Continental Can Co. USA v. Monsanto Co., 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991)(Court holding that teachings are inherent to a reference when they would be the natural result flowing from an otherwise sufficient disclosure).

For this reason alone, the Hans Publication fails to teach, or suggest, a

~~“link processing server[that] translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored...”~~

as recited by independent claim 1. However, this is not the only deficiency in the disclosure of the Hans Publication. The Hans Publication does not teach, or suggest, any kind of “link processing server” whatsoever.

In particular, Applicants’ specification, at 67, lines 3-7, describes a non-limiting embodiment of the present invention that identifies a “link processing server” that “handles the processing of link or connection reference tags,” which is distinguished from a content server such as a RealNetworks server that hosts media content and which is distinguished from a web server that retrieves requested Web pages and routes them to a client workstation. The “content manager” (11) of the Hans Publication merely authorizes or denies transmission of requested

digital content from a content provider node (16) to a user node (12). As evident from Figure 3 of the Hans Publication (reproduced above), the transmission of content, once authorized, is transmitted directly from the content node provider (16) to the user node (12) as shown by the arrow directly connecting (16) to (12).

Thus, the function provided by the content manager (11) is authorization or denial of transmission. The content manager (11) does not handle the processing of link or connection reference tags, for example. In fact, the content manager (11) is not a “server” that provides any form of “link processing” function whatsoever as these terms would be understood by a person of ordinary skill in the art (See, e.g., COMPUTER PROFESSIONAL’S DICTIONARY 212 and 301 (1990), of record).

In sum, a person of ordinary skill in the art would understand that the content manager (11) disclosed by the Hans Publication is a device for handling content and it is not a device that provides any kind of “link processing” function as that term would be understood by a person of ordinary skill in the art. See also, Carruzzo Declaration, ¶¶ 10-14 and 19.

While Applicants encourage the Examiner to give the broadest reasonable interpretation of the claim terms consistent with Applicants’ specification, *In re Hyatt*, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000), the Examiner is not free to give an unreasonably broad interpretation to Applicants’ claim terms that are inconsistent with Applicants’ specification. Furthermore, the Examiner is obligated to give a fair reading, as a whole, to the subject matter disclosed by the Hans Publication. See, e.g., *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In this case, the Examiner has not given a fair reading to the subject matter disclosed by the Hans

Publication because a person of ordinary skill in the art would instantly realize that content manager (11) disclosed by the Hans Publication is a device for handling content and it is not a device that performs “link processing” as that term is understood in the art as discussed above.

For all of the above reasons, the Examiner has failed to establish that the Hans Publication discloses a “link processing server” as recited in Applicants’ independent claims.

b. Hans does not disclose a “link encoded web page”

The Hans Publication also does not teach, or even suggest, a “link encoded web page” and a “link encoded electronic mail message” as recited by independent claims 17, 31, 51, 69, 70, 71, 72, 73, 74, 75, 76 and 77, and a “link encoded web page” as recited by independent claim 67, and a “link encoded website” and a “link encoded electronic mail message” as recited by independent claim 68. While the Examiner contends that the Hans Publication “inherently” discloses a “link encoded web page” (Office Action, dated January 15, 2008, at 5, lines 4-7), the Examiner identifies ¶ [0026] of Hans as disclosing this feature of Applicants’ invention. Applicants disagree with the Examiner’s interpretation of the Hans Publication for the following reasons.

The fact is that ¶[0026] of the Hans Publication merely states that

“content manager 11 may operate an Internet web site that may be accessed by a conventional web browser application program executing, on a user’s computer system.”

The Hans Publication, at ¶[0026], is completely silent regarding the subject of a “link encoded web page.” While an Internet web site inherently has a web address, it is not inherently a “link encoded web page” as the Examiner contends.

Furthermore, the Hans Publication does not teach, or suggest, a “link encoded web page” and/or a “link encoded electronic mail message” that include “one or more encoded hyperlinks comprising reference information” as recited by the independent claims of the above-captioned application. For all of the above reasons, Applicants contend that the Examiner has misconstrued the Hans Publication, which does not inherently teach or suggest a “link encoded web page” and/or a “link processing server” when these terms are properly construed in light of Applicants’ specification as it would be understood by a person of ordinary skill in the art.

For all of the above reasons, the Hans Publication does not anticipate the subject matter of independent claims 1, 15, 17, 31, 33, 51 and 67-77.

iv. The Section 103 Rejections

A prima facie case of obviousness requires a showing that the scope and content of the prior art teaches each and every element of the claimed invention, and that the prior art provides some teaching, suggestion or motivation, or other legitimate reason, for combining the references in the manner claimed. KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 1739-41 (2007); In re Oetiker, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992). In this case, the Examiner has failed to establish a prima facie case of obviousness against independent claims 1, 15, 17, 31, 33,

51 and 67-77 because neither the Hans Publication, the RFC 959 Document, the Kenner Patent nor the Stewart Publication, teach or even suggest a “link processing server” that

“link processing server[that] translates first reference information from one or more of the encoded hyperlinks to second reference information that enables one or more formats to stream without having to deploy from a web server one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where the multi-media content is stored...”

as recited by independent claim 1.

v. The Hans Publication

As discussed above, the Hans Publication does not teach, or suggest, a “link processing server” that

“translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77. Furthermore, the Hans Publication does not teach, or suggest, a “link encoded web page” and a “link encoded electronic mail message” as recited by Applicants’ claims.

The Examiner argues that even if the system and method disclosed by the Hans Publication requires the deployment of one or more reference files, the Examiner contends that “[d]eploying reference files is a known manual process,” which the Examiner further contends

would be obvious to replace by an automatic process (Office Action, dated March 30, 2007, at 10, lines 3-10). Applicants traverse the Examiner's position on multiple grounds.

First, as described on page 10, lines 13-23, of Applicants' specification as originally filed, the deployment of one or more "reference files" was previously required in order to stream content (i.e., media files), (See also Carruzzo Declaration, ¶¶ 11 and 12). A person of ordinary skill in the art would instantly know that while reference files are created manually (See Applicants' specification at 10, lines 13-23), they are generally deployed automatically by an information management system. The issue is irrelevant, however, because the present invention eliminates the need to provide reference files, and thus eliminates a previous step or requirement in the streaming process (See Applicants' Specification, at 42, lines 3-4, and Carruzzo Declaration, ¶¶ 4-9).

The present invention uses a hyperlink that is directed to the link processing server and the system then uses the hyperlink to automatically generate the streaming media format's reference file's information because reference information is encoded in the hyperlink, and then sends this information (i.e., a media format address) to the streaming media server hosting the appropriate format (See, Applicant's original specification, at 10, lines 24-30). Thus, information (i.e., other than an address) that was conventionally sent as data in a reference file is provided by a hyperlink directed to a link processing server because reference information (i.e., information conventionally contained by the reference file) is encoded in the hyperlink. In this way, the web developer, who no longer has to create the reference files, is spared the task of having to include specialized port specifications and parameters in html reference

tags, and is spared having to manage matching reference files on a Web server for each media file streamed by a media server (See Applicants' original specification, at 10, line 31, to at 11, line 6). The Examiner has failed to appreciate this aspect of the present invention.

In sum, the Examiner is in error when he contends that Applicants have merely automated a previously known manual process because Applicant has replaced a cumbersome process of managing address information using reference files with a more elegant process employing hyperlinks encoded with reference information and a link processing server to provide reference information. The method and system, in accordance with the present invention, does not automate the creation of reference files but replaces this step with the less cumbersome process of providing and using hyperlinks. Consequently, Applicants have not merely automated a previously known manual process. Instead, Applicants have replaced a cumbersome manual process of creating reference files with a less cumbersome method using hyperlinks encoded with reference information to stream content.

Second, to the extent the Examiner contends that "providing links in a web page to access related content is the most widely used way to direct a user to associated content," Applicants object. Rejections must be based on "substantial evidence" and not on bare assertions regarding what the Examiner believes is "common knowledge" or "well-known" in the art. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Therefore, to the extent that the Examiner is taking "Official Notice," Applicants object and traverse the "Official Notice" on the grounds that the Official Notice is so broad as to be without bounds. In fact, as best as Applicants understand the Examiner's position, the Examiner erroneously believes that a web address and a "hyperlink"

in accordance with the present invention, are the same thing. However, they are not.

Specifically, while a person of ordinary skill in the art would know that conventional hyperlinks contain an indicator of location for content, such as an address, they do not contain “reference information” that corresponds to information conventionally maintained in a “reference file.” (Carruzzo Declaration, ¶¶ 16 and 17). Consequently, the Examiner must provide substantial evidence in support of his “Official Notice” or withdraw the unsupported Section 103 rejections.

As admitted by the Examiner (Office Action, dated March 30, 2007, at 11, lines 12-14; at 21, lines 9-11; at 25, lines 8-12; at 27, line 20, to at 28, line 2; at 30, lines 6-10; at 30, line 20, to at 31, line 2), the Hans Publication does not teach, or suggest, (1) “uploading the multi-media content to at least one multi-media content server” as recited by independent claim 17; (2) “uploading the multi-media content to at least one multi-media content server” as recited by independent claim 31; (3) “uploading at least one of information and information services to at least one multi-media content server” as recited by independent claim 51; (4) generating “at least one other request responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services” as recited by independent claim 69; (5) “uploading at least one of information and information services to at least one media server” and “generating at least one other request for the at least one of information and information services responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services” as

recited by claim 70; (6) “said request expressly specifies a communications port...” as recited by claims 3, 19 and 39; (7) “Windows Media™, RealNetworks™, QuickTime™” as recited by claims 8, 10, 24, 26, 44, 46, 61 and 63; and (8) “Visual Basic and Visual Basic Script under Microsoft ASP” as recited by claims 12, 28, 48 and 65.

vi. The RFC 959 Document

The RFC 959 Document discloses the “official specification of the File Transfer Protocol.” However, the RFC Document does not teach, or suggest, a “link processing server” that

“translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77.

vii. The Kenner Patent

The Kenner Patent discloses a “system and method for selection and retrieval of diverse types of video data on a computer network,” wherein the system and method for the selection and retrieval of various types of video data from distributed delivery sites calls for the deployment of “Smart Mirror” sites throughout a network, each of which maintains a copy of certain data managed by the system (See Abstract of the Kenner Patent). The Kenner Patent discloses that each “Smart Mirror” site maintains copies of the data in several alternative file

formats and every user is assigned to a specific delivery site based on an analysis of network performance with respect to each of the available delivery sites (See Abstract). The Kenner Patent further discloses that generalized network performance data is collected and stored to facilitate the selection of additional delivery sites and to ensure the preservation of improved performance in comparison to traditional networks, and that the appropriate file format is automatically selected based on the capabilities of a user terminal making a request for data (See Abstract).

However, the Kenner Patent does not teach, or suggest, a “link processing server” that “translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77.

viii. The Stewart Publication

The Stewart Publication discloses “network protocols for distributing functions within a network” wherein a network protocol distributes control and lookup functions among various network elements and plural servers are permitted to service the same domain name without requiring re-mapping (See Abstract of the Stewart Publication). The Stewart Publication discloses that each client or server is permitted to have a different network quality of service level that is provided by one or more network elements of a network or server quality of service level that is provided by a server (See Abstract).

However, the Stewart Publication does not teach, or suggest, a “link processing server” that

“translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77.

ix. Summary of the Disclosed Subject Matter

Neither the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, nor the Examiner’s “Official Notice” teach, or suggest, (1) a “link processing server” that

“translates first reference information...to second reference information that enables one or more formats to stream without having to deploy...one or more reference files containing the second reference information, wherein the second reference information comprises first reference information and a location where...content is stored”

as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77. Also, the combination of the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, and the Examiner’s “Official Notice” still fails to teach, or even suggest, (2) a “link encoded web page” as recited by independent claims 1, 15, 17, 31, 33, 51, 67, 69, 70, 71, 72, 73, 74, 75, 76 and 77, (3) a “link encoded website” as recited by claim 68, and (4) a “link encoded electronic mail message” as recited by independent claims 1, 15, 17, 31, 33, 51, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77, wherein the hyperlink(s) include “first reference information” wherein the “first

reference information comprises information specifying the multi-media content and format associated therewith.”

For all of the above reasons, no combination of the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, and the Examiner’s alleged teachings (i.e., the “Official Notice”) is sufficient to establish a prima facie case of obviousness against the instant claims.

III. CONCLUSION

In view of the present amendment, claims 1-15, 17-31, 33-36, 38-49, 51-54 and 56-77 are in compliance with 35 U.S.C. § 112. Furthermore, the Examiner has failed to establish a prima facie case of anticipation under 35 U.S.C. § 102(e) against Applicants’ claims because the Hans Publication does not teach, or suggest, a “link processing server” that has the features recited by the claims, and also does not teach, or suggest, a “link encoded web page,” a “link encoded website,” and a “link encoded electronic mail message.” The Examiner has also failed to establish a prima facie case of obviousness against Applicants’ claims because no combination of the Hans Publication, the RFC 959 Document, the Kenner Patent, the Stewart Publication, nor the Examiner’s “Official Notice” teach, or suggest, a “link processing server” that has the features as recited by independent claims 1, 15, 17, 31, 33, 51 and 67-77, and also fails to teach or suggest a “link encoded web page,” a “link encoded website,” and a “link encoded electronic mail message.”

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For all of the above reasons, claims 1-15, 17-31, 33-36, 38-49, 51-54 and 56-77 are in condition for allowance and a prompt notice of allowance is earnestly solicited.

Questions are welcomed by the below-signed attorney for Applicants.

Respectfully submitted,

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